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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|---|-------------|------------------------|------------------------|------------------|
| 10/816,655  | 04/02/2004  | Melissa J. DeVolentine | 44810-0003             | 9655             |
| 20822   | 7590        | 11/02/2006             | EXAMINER               |                  |
| RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.<br>P.O. BOX 1900<br>FORT LAUDERDALE, FL 33301 |             |                        | OLSON, MARGARET LINNEA |                  |
|   |             |                        | ART UNIT               | PAPER NUMBER     |
|   |             |                        | 3782                   |                  |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

**Office Action Summary**

Application No.

10/816,655

Applicant(s)

DEVOLENTINE ET AL.

Examiner

Margaret L. Olson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/> Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "dual component directional fastener" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The directional snap fastener is only described as being one that is typified by being unfastened in a "predetermined direction that is particular to the dual component snap fastener." It is unclear to what extent this limits the claims, as no particular predetermined motions particular to the fastener are described in the specification or shown in the drawings. Any regular snap fastener requires an unfastening force to be applied in a specific direction, outwardly, before it separates. For the purposes of examination, the dual component directional snap fastener has been interpreted as a snap fastener having two parts.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner (US 5,230,452). To the degree that the applicant's claims are understood, Wagner discloses a belt 11 with an outer surface and an inner surface and a plurality of first components of a snap fastener 14 and 15 (figure 1), and a case 35 with a flexible side that includes a plurality of the second half of the snap fasteners positioned to prevent

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rotational movement of the case around the belt (figure 7;figure 8; column 4, lines 32-34; column 4, lines 39-42). The snap fasteners are considered to be directional snap fasteners, as they may only be opened when force is applied in an outward direction.

With respect to claim 2, Wagner discloses a case 35 that is capable of storing items such as wallets, eyewear, protective devices, telephones, pagers, change purses, keys, or personal digital assistants, since it is sized to fit tools and tackle (column 4, lines 32-34).

With respect to claim 3, the primary reference discloses that the case 35 has a closure (column 4, lines 34-38).

With respect to claim 4, the primary reference discloses that the closure for case 35 is a flap cover (column 4, lines 34-38).

With respect to claim 5, the primary reference discloses that the flap cover releasably engages the case with a hook and loop fastener.

With respect to claim 6, Wagner discloses structure meant to be used for fastening and releasing a case and belt assembly that includes providing a belt with a plurality of first halves of snap fasteners, attaching a case with a plurality of second snap fastener components positioned on the case to prevent rotational movement of the case around the belt, and decoupling the case from the belt (column 3, lines 28-43; column 4, lines 32-42). The snap fasteners are considered to be directional snap fasteners since they may only be opened when force is applied in an outward direction.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (US 5,230,452) in view of Clifton, Jr. (US 4,828,154). To the degree that the applicant's claims are understood, Wagner discloses a belt 11 with an outer surface and an inner surface and a plurality of first components of a snap fastener 14 and 15 (figure 1), and a case 35 with a flexible side that includes a plurality of the second half of the snap fasteners positioned to prevent rotational movement of the case around the belt (figure 7; figure 8; column 4, lines 32-34; column 4, lines 39-42). Wagner does not disclose that the snap fasteners are anything but common snaps. Clifton, Jr. teaches a strap 26 with a directional snap 29 fastening the strap around a belt (figure 7; column 3, lines 43-46). It would have been obvious to one of ordinary skill in the art at the time of invention to use a directional snap fastener on the belt and case structure assembly of Wagner in place of ordinary snaps in order to more securely fasten an object to a belt.

With respect to claim 2, the primary reference Wagner discloses a case 35 that is capable of storing items such as wallets, eyewear, protective devices, telephones, pagers, change purses, keys, or personal digital assistants, since it is sized to fit tools and tackle (column 4, lines 32-34).

With respect to claim 3, the primary reference discloses that the case 35 has a closure (column 4, lines 34-38).

With respect to claim 4, the primary reference discloses that the closure for case 35 is a flap cover (column 4, lines 34-38).

With respect to claim 5, the primary reference discloses that the flap cover releasably engages the case with a hook and loop fastener.

With respect to claim 6, Wagner discloses structure meant to be used for fastening and releasing a case and belt assembly that includes providing a belt with a plurality of first halves of snap fasteners, attaching a case with a plurality of second snap fastener components positioned on the case to prevent rotational movement of the case around the belt, and decoupling the case from the belt (column 3, lines 28-43; column 4, lines 32-42). Wagner does not disclose that the snap fasteners are anything but common snaps. Clifton Jr. teaches a directional snap fastener for releasably fixing a strap around a belt that may be undone only when the force is applied in a specific direction while the snap components are sympathetically aligned. It would have been obvious to one of ordinary skill in the art at the time of invention to include the directional fastening and unfastening snaps instead of the ordinary snaps in the belt and case fastening assembly disclosed by Wagner in order to more reliably secure the case to the belt.


***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parsons (US 5,947,352), Angell (US 4,068,784), Clifton Jr. (4,828,154), and Schroeder (US 3,578,225) all disclose similar inventions.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mlo

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER